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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,432	03/25/2004	Victor Hsieh	2102680-991100	9771

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/810,432	Applicant(s) HSIEH, VICTOR	
	Examiner Robert M. Pond	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

All pending claims 8-13 were examined in this non-final office action necessitated by new grounds of rejection.

Response to Arguments

Applicant's arguments with respect to claims 8-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 8 and 10-13 are rejected under 35 USC 103(a) as being unpatentable over Gottsman (US 6,134,548) in view of Floyd (PTO-892, Item: U) and PRN (PTO-892, Item: V).**

Gottsman teaches a comparison shopping system and method of a shopper communicating remotely using a wireless or similar handheld wireless device for

comparison shopping (see at least abstract; Fig. 16; Fig. 17 (1740); col. 36, line 42 through col. 38, line 41). Gottsman further teaches:

- communicating with the wireless handheld client through a remote server: (see at least Fig. 17 (1720, 1740)).
- maintaining in an offline database information for a plurality of vendor sites: database managed directly by the server contains information about the product and service providers integrated into the system and provides a links to the supplier sites (see at least Fig. 10A(1020, 1050); col. 33, lines 25-38).
- processing a product keyword request received from the wireless handheld device through the remote server: (see at least col. 13, line 19 through col. 31, line 13).
- communicating the extracted price and product information to the wireless handheld device client through the remote server: (see at least col. 38, lines 1-15).

Gottsman teaches all the above as noted under the 103(a) rejection and teaches a) a comparison shopping service managed by a web server, and b) communication content using HTML, but does not disclose using XML. Floyd teaches the use of HTML, XML, and CNET, a comparison shopping service, and offers an example of how CNET would communicate with a wireless user using XML. Floyd further teaches additional uses of XML as a pending industry standard for interoperability between systems (see at least pages 2-4). Therefore

it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Gottsman to implement XML as taught by Floyd, in order to support interoperability between systems, and thereby attract shoppers to the service.

Gottsman teaches all the above as noted under the 103(a) rejection and teaches a) a comparison shopping service managed by a web server, and b) extracting information in a default native language and communicating shopping information with a wireless user, but does not disclose communicating in a native language of the site. PRN teaches mySimon's mission being the ultimate destination for comparison shopping and further teaches CNET Networks being owned by mySimon and CNET Data Services as an information source to mySimon. PRN teaches CNET Networks and Edmunds partnering to transform the delivery of automotive industry information, and further teaches CNET Data Services providing multi-lingual functionality which includes up to 16 languages and 23 countries, and enabling CNET customers to deliver locally focused (i.e. native language) information on a global scale (V: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Gottsman to provide multi-lingual functionality and delivering information in a native language as taught by PRN, in order to provide locally focused shopping content to wireless users.

- 2. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Gottsman (US 6,134,548) in view of Floyd (PTO-892, Item: U) and PRN (PTO-892, Item: V), as applied to claim 8, further in view of Pricegrabber (Paper #20050610, PTO-892, Item: UU).**

Gottsman in view of Floyd and PRN teach all the above as noted under the 103(a) rejection and teach a) comparison shopping services including mySimon, and extracting price and product information, but do not specifically disclose sorting shopping information. Pricegrabber teaches comparison shopping services including mySimon, Pricegrabber, and BizRate, and further teaches BizRate offering price comparisons and sorting by price (please note interpretation: provides user convenience) (UU: see at least page 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Gottsman in view of Floyd and PRN to provide price sorting by supplier as taught by Pricegrabber, in order to provide a user convenience.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: PR Newswire; CNET Networks provides technology content to Nextel Online Wireless Customers, 01 August 2000, Proquest #57302767, 3pgs; teaches CNET providing

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Fadok can be reached on 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
June 25, 2006